

Geo. B. Smith

THE
GOVERNOR'S MESSAGE

TO THE
LEGISLATIVE ASSEMBLY.

12TH DECEMBER, 1859.

To the Council and House of Representatives
of the Legislature of Utah:

GENTLEMEN:—

The Legislative Assembly of Eighteen hundred and fifty-eight and nine, adjourned in this city on the twenty-first day of January last, to re-assemble on the second Monday in December of the present year, at the Social Hall in this city, at which place we are now convened for the purpose of discharging duties which devolve upon us under the authority of the Organic Act, for this Territory.

During the past year the inhabitants of this Territory, for the most part, have been peacefully and profitably employed in their various occupations. But I regret to be obliged to state that this city and the village of Fairfield, near Camp Floyd, within the military Reserve, have been the scenes of many murders and other acts of violence, the perpetrators of which have fled, and thus eluded justice.

All communities are dishonored in proportion to the extent in which crimes are committed with impunity in their midst. If the organization of the police be defective, it should be reformed; and if there be a deficiency in the finances of these cities, for enabling them to arrest offenders, I would recommend that an appropriation be made for their relief from the territorial treasury.

An act to establish a territorial government for Utah, approved ninth September, eighteen hundred and fifty, contains the following language: "The Judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace."

"The jurisdiction of said several courts herein provided for, both appellate and original, and that of Probate Courts and Justices of the Peace, shall be as limited by law." The Legislative Assembly of Utah for the year eighteen hundred fifty-two, passed "an act in relation to the Judiciary," approved fourth of February, eighteen hundred fifty two. Section twenty-ninth of that Act reads thus:—"The several Probate Courts in their respective counties have power to exercise original jurisdiction, both civil and criminal, and as well in Chancery, as at common law, when not prohibited by legislative enactment." This act also provides for appeals from Probate Courts. Thus, it will be perceived that your predecessors, seven years ago, under the construction of the power granted by the Organic Act, conferred upon the Probate Courts both civil and criminal jurisdiction, in addition to the powers ordinarily granted to Probate Courts. I have been informally advised that the Federal Judges have virtually disapproved of this construction of the Organic Act, as indicated in this action of the Legislative Assembly, yet I am not aware that any case has come before these officers in such form as to elicit a decision upon its merits, so as to establish a legal principle. I would therefore recommend

that this question be taken up through the proper tribunals for a final decision. If the action of the Legislature be sustained, this community will enjoy the undisputed right of protection through the prompt action of a tribunal always present, instead of being obliged to await the tardy action of the District Courts, which are in session but once a year. If, however, the decision of the Supreme Court should be adverse to the exercise of such power by the Probate Court, you will then be relieved from the embarrassments growing out of its disputed powers.

Col. S. C. Stambaugh, Surveyor General for the Territory of Utah, commenced on the twenty-sixth day of October, 1859, an examination of certain surveys made during the administration of his predecessor, the accuracy of which surveys has been questioned. If these surveys be approved, it may be reasonably supposed, that the Government will establish Land offices here, as soon as the Indian title shall have been extinguished.

In view of the public lands in this Territory, being offered for sale, by the Proclamation of the President of the United States, I would commend to your consideration the propriety of adopting some legislation in relation to the grants of kanyons, water power, timber, tillable lands, and other property belonging to the United States. I am aware that these grants are considered as only temporary arrangements, for the purpose of inducing parties to spend labor and money in rendering the property available. It is quite evident, however, that all these grants will be entirely valueless unless sanctioned by the United States Government, in which is vested the exclusive ownership of these lands, and from which source alone any valid title can be acquired.

Under existing circumstances, the grants of lands, to be used for herding, and other purposes, are unreasonably large, and their occupancy, has become exceedingly oppressive to certain portions of the community, and I would recommend the adoption of measures for their eventual abolishment. The land laws of our country are based upon wise and liberal principles, and extend their protection to actual settlers upon the public domain, against the usurpation of individuals and speculations of monopolists. When the lands are open to sale and pre-emption, the public interest, and more especially the interest of the poorer classes, would be promoted by restricting claims by law to less than quarter sections, and I believe they should be restricted to lots, not exceeding twenty acres each. I would recommend that Congress be memorialized on the subject of subdivision of quarter sections, in accordance with the suggestions contained in the foregoing paragraph, and also for the permanent establishment of some system for the equitable distribution of water and timber. If this latter provision be neglected, the new occupants of the kanyons and timbered lands may exercise an oppressive influence upon the occupants of the tillable lands in the valleys.

In my communication to the Legislative Assembly on the day of December, eighteen hundred and fifty-eight, I endeavored to impress upon that body the vital importance of appropriating a portion of the territorial revenue to the establishment and maintenance of common schools throughout the Territory, and I again urge that subject upon your earnest consideration.

The rising generation are about to become the proprietors of the soil, and the actors in the important affairs of life. The children of the poor are equally entitled to the benefits of education with those of the rich. Therefore let a system of taxation be adopted, which will enable all to receive that instruction from which some are at present comparatively debarred. Competent instructors cannot be expected to devote their time to teaching, unless liberal and certain compensation be received by them.

I am informed, that, in this Territory, a large fund is annually derived from the titling of the people. This fund, I esteem as a legitimate subject for

taxation, as well as the other church property. I therefore suggest the passage of a law, for securing a revenue for educational and other purposes, from these sources.

By reference to the Auditor's Report, you will perceive there is

"Appropriated to military purposes	\$2,205 00,"
"Adjutant General's salary	1,000 00,"
"Premium on Gunpowder	200 00,"

Making an aggregate of \$3,405 00

If this sum, mentioned as appropriated to military and the like purposes, were expended for the advancement of education in this Territory, would not the community be benefited by the exchange?

The establishment of Annual Fairs for the encouragement of agricultural and mechanical industry, is entitled to the protection and aid of the Legislators.

I herewith submit the Reports of the Treasurer and Auditor, embodied in which is the report of the Warden of the Penitentiary.

The Treasurer's report shows a balance in the Treasury of . . . \$4339 42

The Auditor's Report shows an estimated balance of . . . \$1187 88

These reports you will refer to the proper committees.

The report of the affairs of the Penitentiary by the Warden, exhibits the number of prisoners, and contains an estimate of the appropriation necessary for their subsistence.

The Penitentiary system, as applied in this Territory, seems to be peculiarly unfitted for carrying out the intention of its projectors. There will probably be only a small number of convicts confined at any one time, and I am acquainted with no kind of labor which, in this country, would defray the expense of the maintenance of the prisoners, and the payment of a suitable guard. The continuance of the system under these circumstances subjects the Territory to a heavy expense, without furnishing corresponding advantage. The building itself is objectionable, in consequence of the original defects in the plan of its structure, and, from its present dilapidated state, caused by a violent storm in the year eighteen hundred and fifty-eight. It originally consisted of two stories; the upper, constructed of adobe, divided into two rooms; the lower, built of sandstone, divided into small cells. The eastern gable end of the building, and a large portion of the roof, were destroyed by the storm above alluded to. As there are no work-shops, tools or materials provided for work, the prisoners must necessarily be confined to their cells for want of proper occupation, or be permitted to rove about within the adobe walls, which surround the building, passing an indolent and unproductive existence.

I have been informed that the Secretary reported the dilapidated condition of the building to the Department at Washington, but I have no knowledge of the character of the reply, if any reply were received.

I would suggest such modifications of the penal code as would lawfully subject prisoners, convicted of penitentiary offences, to service in constructing new and repairing the old roads of the Territory. The organized bands of thieves for the stealing of horses and other animals, have become so numerous and audacious, that I deem it indispensably necessary that the most stringent measures should be taken without delay, to ensure their punishment.

I recommend the passage of a law making it obligatory upon the City Councils of Great Salt Lake, Provo, and other cities, to publish, at their own expense, a digest of their ordinances, in a convenient form, within thirty days after the promulgation of such act. Also, that all new ordinances, hereafter enacted, shall be published in one or more papers of G. S. L. City within ten days after their enactment. Also, that they should publish quarterly itemized

financial reports of the amount of receipts and expenditures, showing the sources whence the receipts have been derived, and for what purposes they have been expended. Also, that they should cause to be thoroughly cleansed, and kept open the principal water-ditches in their respective cities, and establish convenient crossings at the intersection of streets.

Also, the expense of keeping in repair the road between the north boundary of this city and the gate near the city bath-house, should be equally divided between Davis County and this city. The supervisor of said road to be appointed by the County Court of Davis County. Also, the expense of keeping in repair the State Road from the southern wall of the city to the bridge on Little Cottonwood should be equally defrayed by Great Salt Lake City and County. Also, that the citizens of this place should be exempt from all other road tax, except those indicated in the above recommendations.

I especially call your attention to the dilapidated condition of the bridge over the Jordan at the foot of North Temple Street.

In the month of June, 1859, the officer, in command of the Department of Utah, detached, under the command of an experienced officer, what he deemed a suitable military force for the protection of emigration on the northern California Route. Notwithstanding this precaution, many persons passing from the Eastern States to California by that route, were murdered by Indians supposed to belong to the roving bands of Bannacks and Sho-sho-nees. These Indians are reported to have stolen and destroyed the property of the emigrants. It is probable that the officer in command of the Department will establish posts upon this line, which will secure hereafter the emigration on this route from similar disasters.

With the exception of the depredations above alluded to, and some robberies on the new mail route, west of Camp Floyd, the Indians have been, for the most part, peaceable.

Under the authority of the Secretary of War, a party, commanded by Lieut. Humphreys, U. S. A., began an exploration of the country between the Cheyenne River (a tributary of the Missouri) and the head waters of the Yellow-stone River. This exploration, when accomplished, I am induced to believe, from my knowledge of the country, will demonstrate the fact that Great Salt Lake City is within three hundred and fifty, or four hundred miles of steamboat navigation on the tributaries of the Missouri.

A communication, recently received by me from an officer of the Army, in charge of a reconnoissance between Fort Vancouver and this point, induces the belief that the distance from this City to steamboat navigation on Snake River (a tributary of the Columbia) will not exceed four hundred miles, thus placing this people in intimate connection with the Pacific Coast on the West, and the Atlantic on the East.

The present state of public opinion indicates this region as a portion of the route most suitable for the establishment of Railroad communication between the Oceans.

It is not unreasonable to anticipate an union of the interests of the Southern overland mail with those of the mail which at present runs from St. Joseph's through this city to San Francisco.

If this union should be accomplished and this route adopted, in my opinion, a great public interest would be advanced, and a weekly mail secured, the transit of which, between New York and San Francisco through this city, would not exceed eighteen or twenty days.

Trusting that the blessing of the Almighty Ruler of the universe may rest upon your labors, and that your action during this session may be profitable to the Territory.

A. Cummins.

AUDITOR'S REPORT.

Auditor's Office, G. S. L. City,
November 1, 1859.

To His Excellency A. Cumming,
Governor of Utah Territory.

Sir:—In compliance with the act of the Legislative Assembly of Utah Territory, approved January 20th, 1852, I would respectfully present the report of the Auditor of Public Accounts. It is a matter of regret that it is not more full and complete, yet it embraces all the facts which can be arrived at from the books in the office, and from all the statistics furnished during the current year, to date.

By act of the Legislative Assembly, approved January 11, 1859, it is provided, "that for the current year, and annually thereafter, until otherwise directed by legislative enactment, a tax of one-fourth of one per cent. be assessed and collected," &c. Under this act the revenue payable to the Territorial Treasury for the current year, as far as reported to this office, will be found in the annexed statement, numbered 1, "Reports of Assessors and Collectors."

By this statement, it will be observed that the total value of property assessed in the twelve counties heard from, is three millions, nine hundred and eighty two thousand, eight hundred and sixty nine dollars; the Territorial tax on same at one-fourth of one per cent. is, nine thousand, nine hundred and fifty-seven 17-100ths dollars. The four counties, to wit, Green River, Shampip, Malad and Washington, not heard from, when the reports are forwarded, judging from previous assessments, may increase the amount of tax due the Territorial Treasury about one hundred and fifty dollars. Carson county having never paid revenue into the Territorial Treasury, is not taken into account. These data would give an aggregate of Territorial revenue for the current year, say,

Ten thousand, one hundred dollars, is \$10,100 00

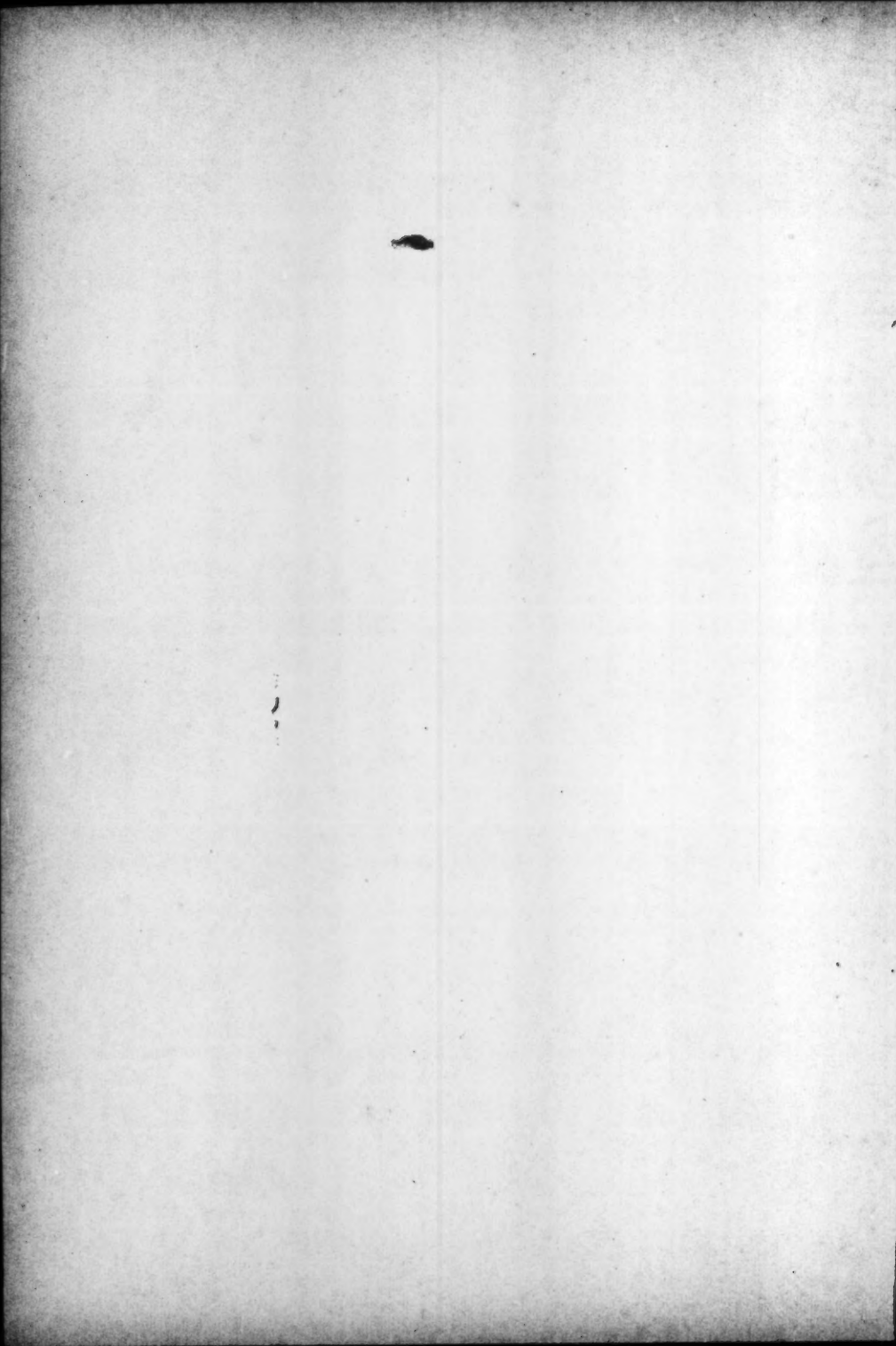
From which must be deducted, as follows, viz.:

Compensation allowed assessors and collectors will average ten per cent, is \$1,010 00

Remittances by county courts, judging from previous years, will average two per cent, is 202 00 1,212 00

Would leave an apparent nett revenue for the current year of eight thousand, eight hundred and eighty-eight dollars \$8,888 00

To the above must also be added the assessments of merchandise brought into the Territory and exposed for sale, not yet re-



R. L. C.

COMMUNICATION
TO THE
LEGISLATIVE ASSEMBLY OF UTAH
GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, }
SALT LAKE CITY, 10th Dec. 1860. }

TO THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF UTAH:—
GENTLEMEN:—

On the 12th ultimo, at a called session, I addressed to the Council and House of Representatives my annual message, in which I made such suggestions as the public interest seemed to demand. Copies of that communication, together with the Reports of the Treasurer and Auditor, are herewith annexed. I invite your attention to them.

The necessity of an early assignment of the Chief Justice and his associates, with the view of ensuring in good season sessions of the Courts in their respective districts, is again urged upon your consideration. There should be a careful avoidance on your part of any action which might be construed into a desire of unnecessarily postponing the holding of district courts for the transaction of Territorial business. I am convinced that, should you adopt any measure calculated to produce such an impression, it would prove alike unwise and impolitic.

Your attention is called to the fact that, under the existing law, special sessions of the district courts can only be held "upon the petition of not less than one hundred legal voters and tax payers residing in any judicial district," at the same time, the effect of such petition may be obstructed by a larger number of "like qualified signers" remonstrating against the petition. As a remedy for the evils which, in certain cases, may arise from the action of persons who, under sanction of the law, might seek to obstruct the course of justice, I would recommend that the judges be authorized to hold special sessions or county courts in one or more counties in their several

districts for the trial of Territorial causes.—
An additional reason for the adoption of the change suggested, is that parties residing at points remote from the stated places for holding courts, may receive the benefits of them, without being subjected to unnecessary inconvenience and expense.

The Chief Justice and his associates should be authorized to alternate in the several districts, and it should be made incumbent on them to hold courts whenever the presiding judge of a district may, from any cause, be unable to officiate.

Some change should be made in the penal code, by which the Territory may be relieved from the expense of transporting prisoners from remote parts of the country to the Penitentiary in this county.

Many of the laws now on the statute book were passed under a condition of things, which will soon cease to exist. You cannot reasonably anticipate a continuance of the partial isolation which has characterized your early history in this region. It must be borne in mind that you are situated upon the great highway between the oceans, which is already traversed by expresses and telegraphs, and is soon to witness the establishment of a railroad transporting through your valleys the commodities of the world. It would be well that you make timely preparation for changes that are fast approaching you, and are ultimately inevitable. New relations between yourselves, and between yourselves and the outer world must occur. I would, therefore, urge upon you that you appoint committees to prepare a code of laws, suited to the present and future requirements of this community.

The judges are constituted your legal advisers in these matters; to them I refer you.

A. CUMMING.

GOVERNOR'S MESSAGE

TO THE LEGISLATIVE ASSEMBLY OF UTAH.

EXECUTIVE OFFICE, }
G.S.L. City, 12th Nov., 1860. }

TO THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF UTAH:

GENTLEMEN:—The Judges of the Supreme court of this Territory, having advised me recently that their predecessors had exceeded the limits of their authority, in attempting to fix the times and places of holding courts for the trial of Territorial cases in their respective districts, and that therefore their action in the case was virtually null, I took the matter into consideration, and decided that the public interest demanded that there should be no farther delay in holding sessions of the several district courts; that no doubts ought to exist in relation to the proper times and places of holding them; and that the duty of creating or modifying the districts for the Judges, assigning them to their respective districts, and providing the funds necessary for holding such courts, devolved properly upon the Legislative Assembly.

I, therefore, summoned you by a proclamation, dated 20th October, 1860, to convene at the Social Hall in this city, on this twelfth day of November, 1860.

The Chief Justice and his associates will enter upon the duties of their respective offices so soon as you have made the necessary arrangements. I believe that the professional and personal reputation of these gentlemen entitles them to the respect and confidence of the community, and will dispel the distrust engendered by the action of their predecessors.

During the recess of the Legislature, Mr. John Kay, the former Marshal for Utah, left the Territory on a visit to England, his absence occasioning a vacancy in that office. I filled it by appointing Mr. McKean.

I would here take occasion to remark, that it is very desirable that the Territorial Marshal should in every way be qualified for the performance of the duties of his office, as upon him will devolve the business of all Territorial cases, to the exclusion of the United States Marshal whose duties are restricted to United States cases.

It is of the highest importance to dispose of the vexed question with regard to the respective powers of the United States and Probate courts. The United States

Judges are supposed to entertain opinions adverse to the exercise of certain powers of the Probate court, claimed by the latter, under 29th section, 1st chapter, of an act passed by the Legislative Assembly in relation to the Judiciary, approved Feb. 4, 1852, as follows: "The several Probate courts, in their respective counties have power to exercise original jurisdiction, both civil and criminal, and as well in chancery as at common law, where not prohibited by Legislative enactment; and they shall be governed in all respects by the same general rules and regulations as regards practice as the District courts." In this action the Legislature relied upon chapter 51, section 9, Organic Act, as follows: "The jurisdiction of the several courts herein provided for, both appellate and original, and that of the Probate courts and of Justices of the Peace, shall be as limited by law." No case has come up for the decision of this question, upon its own merits. There should be no further delay in securing an opinion which would be final.

I have urged this subject upon the attention of the Secretary of State; and, in his reply, have been assured that the subject had been submitted to the Attorney General on the second day of May, 1860, since which time I have not received any further communication on that subject from his office.

So long as this conflict as to the respective powers of the courts continues, the mandates of the higher courts should be implicitly obeyed.

The population of the western portion of this Territory, known as Nevada, has recently become much more numerous, in consequence of the influx of a large number of persons, attracted by the mineral wealth of that region. Those persons, who labored to secure the benefits of county organization, encountered formerly violent opposition, which arose, I believe, chiefly from unfounded objections to the statutes of this Territory. A

more thorough knowledge of the character of these statutes dispelled this prejudice and induced the more law-abiding persons to receive and recognize them as the law of the land.

The vast extent of uninhabited country which separates these valleys from those of Sierra Nevada, renders intercourse between them very inconvenient, and makes it very probable that the latter will receive a separate Territorial organization from the government, so soon as the increased population shall have become permanent, and sufficiently large to justify the United States in granting their request for one.

At the last annual election, Carson county renewed its organization, and elected its county officers and a representative to the Legislature. All these officers have received their commissions.

A large number of the people who inhabit the region bordering on the Sierra Nevada are employed in mining, and will probably require some legislative action, suited to their peculiar needs. This benefit, I trust, will be extended to them, so far as it may be consistent with the general interest. Your powers do not extend to the primary disposal of the soil, but much good may accrue to them from grants for temporary use and occupancy.

The condition of the Indian tribes of this Territory demands the immediate attention of the government. The Indian title has not been extinguished, nor indeed have any treaties been made with any Indians inhabiting this country. Spain, from whom indirectly this country was acquired by the United States, uniformly refused to recognise any title in the Indian tribes to the lands occupied by them; but though the grant of the Pope may have been sufficient for the semi-barbarous Spaniard, it should have no influence on a humane and enlightened government. I recommend that a memorial be addressed to the proper officer at Washington, requesting the immediate appointment of commissioners to treat with the tribes of this country, and with the wandering tribes of Bannacks and Shoshones who roam over the portions of Oregon bordering the northern frontier of Utah.

It may be well also to embody in your memorial an expression of opinion in regard to the Indian farms, as they have been hitherto conducted in this Territory. These farms occupy a large quantity of land required by the industrious inhabitants; and, as I believe, they serve chiefly to support a few persons in comparative idleness. Some wheat is produced on them which averages to the United States a cost of more than ten dollars a bushel, and, in my opinion, a large part of this wheat is consumed by the producers.

It is time that this community should be relieved from the burden of feeding the Indians

throughout the country. If a wise and liberal policy shall actuate the appointment of suitable commissioners, and shall frame their instructions, it will be an act of justice and humanity towards the Indian. It will relieve the inhabitants from depredations, the emigration from robbery, and their families from wholesale butchery. Then the officers of the Indian department might exchange the contempt and distrust of the Indians for their respect and confidence.

So soon as the Indian title shall have been extinguished, the government will doubtless establish land offices in this Territory. In this connexion I would repeat that the land laws of our country are based upon wise and liberal principles. To actual settlers upon the public domain they extend protection against the usurpations of individuals and speculations of monopolists.

When these lands are open for sale and pre-emption, the public interest, and especially the interest of the poorer classes, would be promoted by restricting claims by law to less than quarter sections. I think they should be restricted to lots not exceeding twenty acres.

I should recommend that Congress be memorialized on the subject of the restriction of pre-emptions, in accordance with the suggestions contained in the foregoing paragraph; also, with regard to the permanent establishment of some system of equitable distribution of water and timber. If this latter provision be neglected, the occupants of the canyons and timbered lands may exercise an oppressive influence upon the cultivators of the arable land in the valleys.

A large quantity of merchandize is sold annually at Fairfield, near Camp Floyd. I am told that no taxes have been collected from this source. If these goods are properly exempt from taxation, it should be so understood. If any legislation on this subject be required, I request that you will supply it, so that the proper officers may be enabled to perform their duties.

This Territory has never received her quota of arms from the United States. H. K. Craig, colonel of ordnance, has addressed to me several communications on this subject. On the 11th January, 1860, he advised me that there was then due to Utah, 2,775 muskets, together with accoutrements, etc., which by existing regulations would be delivered at any place in the Territory "situated upon navigable waters, or otherwise easily accessible; to be designated by the Governor or other authorized officer of the Territory. The United States cannot, however, incur any extraordinary expenses for the transporting the arms into the interior by land." I herewith annex a statement of the cost of small arms, field artillery, and their equivalent in muskets.

In my opinion, the "Revised Statutes" con-

tain several acts and resolutions, which ought to be repealed. With a laudable desire to strip Legislation of superfluous forms, your predecessors have left some acts hardly intelligible. To the uninitiated, others which are intended to govern the practice in the courts, are simply absurd. If nothing else can be effected, the index ought to be rendered intelligible.

In addition to the books contained in the Utah Library, there are a large number of public documents, reports, statutes and valuable miscellanies, which, for want of a suitable room in which to deposit them, are comparatively useless.

A suitable arrangement should be made for securing rooms, in which not only the Territorial library might be arranged more commodiously than at present, but also the books above referred to. It is some years since any appropriation was made by Congress for the increase of the library, and, I presume, your delegate to Congress, Colonel Hooper, could secure the passage of a bill for that purpose.

I have witnessed with pleasure the evidences of increasing interest in the subject of education. In this city and throughout the Territory, many large and spacious school houses have been built, and the sight of hundreds of children who daily attend them is very cheering. The past year has also witnessed the establishment by President Young of a college for the instruction of youths in the higher branches of education. But as yet you have no free or common schools; and I would again impress upon you the vital importance of appropriating a portion of the Territorial revenue to the establishment and maintenance of such schools. The future destiny of your

children for weal or for woe depends on their moral and intellectual culture. The children of the rich and the poor are equally in need of it. Some system should therefore be adopted, which will enable every child to obtain these inestimable benefits. It is evident that persons who are competent to undertake the dignified and difficult task of education, should be recompensed with certainty and liberality.

I would again call your attention to the extent and number of herd grounds. A temporary, but exclusive use of these grounds has been granted to a few individuals to the manifest injury of the community. These grants ought to be repealed.

The Penitentiary still continues in the condition to which I alluded last year. Humanity and policy alike require that some plan should be adopted by which the prisoners may be furnished with regular and remunerative employment. This would not only be conducive to their health and general improvement, but also defray the cost of their maintenance.

I regret to be obliged to state, that the northern part of the Territory is infested by bands of cattle thieves, who commit depredations upon the ranges and dispose of their plunder in the vicinity of the military reserves. It is quite time that all good men should unite in bringing these desperadoes to justice. When the district courts commence their sessions they will probably take cognizance of these offences.

I herewith annex the annual reports of the Auditor and Treasurer, which you will please submit to the proper committee for their examination and report.

A. CUMMING.

AUDITOR'S REPORT.

To His EXCELLENCY, Gov. A. CUMMING,

SIR:—I beg leave to present a concise report of the financial operations of the Territory for the year ending October 31st, 1860, a detail of which will be found exhibited in appended "Statements," Nos. 1, 2 and 3.

In statement No 1, the total valuation of property assessed in the Territory for the year 1860, (Green river and Carson counties excepted) amounts to four millions, six hundred and seventy three thousand, nine hundred dollars; and the Territorial tax thereon, at one half of one per cent, is twenty three thousand three hundred and sixty nine 0.50 dollars. The excess in the valuation of property over last year's assessment; is six hundred and fifty seven thousand four hundred and thirty one dollars, and the excess of Territorial tax, (arising principally from the advanced rate from one fourth to one half of one per cent.) is thirteen thousand two hundred and seventy eight 0.33 dollars. Of this excess in valuation of property, five-sixths of the amount is shown to arise in Great Salt Lake county, and probably may nearly, if not wholly, be accredited to the improvements within the limits of Great Salt Lake City, alone.

From this view, it would appear that there has not been, during the year 1860, much spirit for building and increasing the value of property by substantial improvements otherwise, except in this immediate district, unless (which may be the case) such improvements have been added subsequent to the completion of the assessment rolls. The counties of Weber, Box Elder and Juab, each, show a decrease in the valuation of property, compared with assessment for 1859, of sixteen per cent, and Iron county a decrease of thirty-three per cent, while the counties of Beaver, Sanpete and Cache, show a more than corresponding increase in the following ratio; viz: Beaver, thirty-six; Sanpete, fifty, and Cache, nine hundred per cent. The increase in the three last named counties, especially "Cache," may account in some measure for the decrease in the other counties named, from the fact that during the fall of 1859 and the spring of 1860 very many wealthy families moved with their stock and effects, to form new settlements in Cache and Sanpete counties, and probably the same may be said of Beaver.

To the amount of Territorial tax, exhibited in Statement No. 1,



1861 11 No. 11.

GOVERNOR'S MESSAGE

TO THE

LEGISLATIVE ASSEMBLY OF UTAH.

GENTLEMEN OF THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF UTAH:

The appointment of the President of the United States having devolved upon me the powers of Governor of this Territory, I now have the honor of addressing to you my first Executive message. The recent date of my appointment, and my arrival here only three days since, will, of necessity, render very imperfect what I may say to you, either by way of information of the state of affairs in this Territory, or of recommendation of measures of legislation; hence, I shall postpone the consideration of much local matter for a special communication, if necessary, and devote the most of the message to a review of the causes of the war which now is devastating our land, trusting that what I may say may not be regarded as idle words by this remote colony of people of the United States.

I come among you, the people of Utah, as one of you, to make this my home; and though a stranger to you, I have the earnest desire and hope, which are stimulants of strenuous effort on my part, that our now brief acquaintance may ripen into one of mutual respect and confidence, promotive alike of the honor and welfare of the United States, and of the best interests of the people of Utah.

I enter on the discharge of my duties, as the representative of Federal authority in this Territory, at an eventful period in the history of the United States. You, in common with the people of the whole civilized world, are now looking upon the painful spectacle of the people of this American Federal Union at war with each other. The noblest structure of political government ever created by the wants, or devised by the wisdom of men, is passing through the ordeal of civil war. Eleven of the slave-holding States, have openly repudiated the authority of the Federal

Constitution, and are now attempting, by force of arms, to establish an independent national government, under the name of "The Confederate States of America," into which a desperate and powerful, if not a numerous, minority of the people of Kentucky, Missouri and Maryland, are endeavoring to draw those slave-holding States.

It is, perhaps, unnecessary for me to enlarge upon what is probably already known to you, of the origin and progress of the war. I may, however, enumerate as among its causes: First—Different systems of labor and social life in the slave-holding States, involving essentially different opinions as to the morality and expediency of the domestic slavery of the African race. In the Northern States, productive labor, which is the basis of the material prosperity of society, is free and honorable—its way is legally unobstructed to wealth and honor. In the Southern States, labor is mainly servile or enslaved and, therefore, degraded.

Second—Conflict of sectional interests; the most populous and wealthy portions of the Northern States desiring to favor their commercial and manufacturing interests, which are predominant; by protective tariffs against foreign manufactures. The Southern States, on the other hand, whose interests are mainly agricultural, aiming to develop their agricultural wealth by freedom of trade; and each endeavoring to make the Federal Government auxiliary to its own sectional policy.

Third—Antagonistic political theories, coeval with the formation of the Federal Union. In regard to Federal and State rights, the Northern States having generally practically accepted the theory which recognizes the supremacy of the Federal Government, as a national government, created by the people of the United States as one nation; and the Southern States having as generally repudiated

that theory of the Constitution, known as the strict construction or State's Rights theory, which holds the Constitution to be a compact or league between co-equal sovereign States, united in a confederacy not consolidated under a national government. The radical substantial difference between the two theories may perhaps be summed up in these words: The people of the Northern States generally regard their allegiance to the Federal Government, as paramount to their allegiance to their State Governments. While the people of the Southern States, as generally hold that their allegiance to their States is superior to their allegiance to the Federal Government. Hence a Northern man regards his State as having no political sovereign rights, except as a member of the Federal Union. And that, therefore, the secession of a State from the Union, or its resistance of Federal authority, is an act of rebellion or revolution to be put down by the strong arm of Federal power; whereas, a Southern State's rights man considers his State as having political rights and sovereignty, above and independent of the Federal Union; and that, therefore, it may, for cause to be determined by its own discretion, withdraw from the Union, or resist its authority, without affording just cause of war upon it.

It is deeply to be deplored that differences so radical should exist among the people of the United States, for their tendency is to impair the harmony of feeling and unity of interest and purpose, which are essential to the full development of the national prosperity and power. No wise man who surveys the magnificent and imperial territory upon which the Providence of God has placed the people of the United States, can fail to believe that they should remain one nation and one people; it may be one from many, but yet one among the nations, and that their true interests and glory are in unity and peace. But deplorable as the differences are, that have resulted in civil war, they do exist, and it is a historic truth that they did exist co-eval with the formation of the Federal Union and Constitution. In the convention of wise and patriotic men, who formed the Federal Constitution of 1787, these differences constituted the most serious obstacles to the framing of the Constitution, and, afterwards, to its adoption by the people. Had the councils of men of extreme and violent opinions prevailed, and the jealousy between some of the States been fostered, and the assertion of their separate sovereignty been carried to its natural result, the American States, after having nobly struggled to a glorious success through the seven years war for independence, instead of forming the union which gave them strength

and dignity, and started them upon a career of matchless prosperity, would have been divided into petty States, without national resources, without national dignity and power, and ever at the mercy of foreign foes and of the British Empire against which their united struggle had given them success. But the men to whom the destiny of the United States was committed at the close of the war of the Revolution, were Patriots and Statesmen. They were men of large hearts and clear heads.— They plainly saw the dangers which threatened to divide the States, and they sought to avoid them. They therefore mutually discarded sectional views and jealousies, and brought to the formation of the Federal Constitution "*a spirit of amity, and the mutual deference and concession which the peculiarity of their political situation rendered indispensable.*" They did not urge differences of opinion or conflicting interests to their logical results; they conceded—they yielded—they compromised. The Constitution, the work of their hands, was based on compromise. The jealousy between large and small States was compromised by giving to each State equal representation in the Senate, and numerical representation in the House of Representatives. The differences between the advocates of a strong national government on the one hand, and a limited federal government, with strictly defined powers, on the other, were compromised by making a government partly national and partly federal. As to all its external and foreign relations, the government became a national one. In its internal relations, it remained federal, each State retaining its sovereignty and independence, as to all its local and internal concerns. The differences of anti-slavery men and of the advocates of slavery were reconciled by fixing a period when the Congress should have power to terminate the foreign slave-trade, which was a subject within the legitimate scope of national legislation, and by virtually recognizing slavery, without naming the words slavery or slaves, as the creature of local law, and by leaving slavery in the States as the Constitution found it—a domestic institution—the subject of local or State, not of Federal, legislation.

Notwithstanding the wise compromises of the Constitution, it was not to be expected that the causes which produced diversity of opinions and difficulty in framing the Federal Government, would wholly cease to operate with the growth and prosperity of the nation. The experience of human nature gave no guaranty of so benign a result. Brave and patriotic and intelligent, as they proved themselves to be in the establishment of their independence and in forming their system of

government, the American people had no claim to immunity from the general failings of men. Wise as was the plan of government they adopted, they were liable to depart from its spirit, and thus impair its efficiency, and endanger its existence. There was, however, wrong hope in patriotic men that the wisdom of the people, the practical good sense characteristic of the race, would always prevent the causes of jealousy and dissension between different sections of the Union from coming into angry collision and overleaping the limits and safeguards of their self-created Constitution. In this hope, there has been disappointment. The people of the United States have not proved themselves to be as wise as the fathers of the Republic hoped they would be. Disregarding the injunctions of Washington in his farewell address, and the teachings of his illustrious compeers; disregarding the sacred compromise of the Constitution itself, men in different sections of the Union have not failed, reckless of consequences, to urge radical opinions upon various questions of policy, especially the question of domestic slavery, that could not but terminate, when thus urged, in the formation of sectional parties, and a consequent destruction of the harmony and moral power of the Union, which are the main elements of its perpetuity.

It is not my purpose to take a partizan, but a dispassionate and patriotic view of our national troubles, and in doing so I would falsify the truth of history should I fail to say that neither the Northern people nor the Southern people are wholly free from blame for the great evil that has come upon the nation. Upon a question like that of slavery which has been the most prominent among the causes disturbing the harmony of the Union; a question involving moral, religious, social and political considerations, concerning which wise and good men in different ages have widely differed, it was not wise for men in either section of the Union to assume to be wholly right and their opponents wholly wrong, nor wise to allow differences of opinion to ripen into a sectional party spirit and hatred, so intense and rancorous that they usurped the throne of reason, and incapacitated men from seeing measures and events, except as through a glass darkly. The atmosphere of passion is ever an unsafe medium through which to look either upon men or things. The Federal Constitution had dealt with the subject of slavery as a political one, in the spirit of compromise, and it was the duty of all men loyal to the Constitution to continue so to deal with it. It was not, therefore, well for the people of either section, to give heed and influence to the sayings of men of extreme opinions in regard to it. The for-

mation of a political party in the Northern States, upon the distinct basis of hostility to slavery, insignificant as that party was in its beginning, was ominous of evil. The people should have foreseen that beneath the rending and disintegrating power of such a wedge of disunion, the Federal Union, though strong as gnarled oak, must eventually be rent asunder. It has been a cardinal error of the people of the Northern States, towards their Southern brethren, to permit a fanatical abolition party in the North to enlarge its borders and strengthen its stakes, and to gain political consequence and power, until the opinion has been created among the Southern people that the whole Northern mind is imbued with bitter hostility to the Southern people, and a determination to destroy, through the intervention of Federal power, the Southern domestic institution of negro servitude. Influenced by this opinion, Union loving men of the Southern States have been led to the conclusion that the harmony of the Union was forever at an end, and to look, almost without regret, upon the prospect of its dissolution, an idea once utterly repulsive to the whole American mind. On the other hand, impartial justice demands that I should say, that the people of the South, sensitive, hot blooded, impulsive, and fond of rule, instigated and misled by ambitious political leaders, have been too much disposed too scoff at and defy the intelligent moral sentiment of the Northern people on the subject of slavery, and to force them by arrogant and insolent denunciation, to formally approve, as a political and social good, what they firmly believe to be a political and social evil. The people of the South have unwisely claimed a political importance and power for their domestic institution of slavery, not belonging to it. They have claimed rights for it under the Federal Constitution which the Constitution does not award to it. Indeed, the people of neither section have been willing, as to this exciting question of slavery, to let each other alone, and in the spirit of mutual forbearance and kindness and national brotherhood to pursue the even tenor of their way, each content to form and regulate its domestic institutions in its own way, subject only to the Constitution of the United States.

From year to year, for many years past, the disharmony of the Federal Union, growing out of the subject of slavery and the other causes of difference to which I have alluded, has been increasing, encouraged by abolitionists at the North and the ultra slavery men of the South. Against this agitation the wisest and best men of the Republic have manfully contended. The struggle of 1820, in regard to the admission of Missouri into the Union, a struggle which shook the Union to

its center as with the throes of dissolution, was safely passed by a compromise, wholesome at the time, but not, as the result has shown, resting upon a permanent self-adjusting principle, adapted to all future cases that might arise with the expansion of national territory and the changing relations of States. The next great struggle was that resulting in the Compromise Measure of 1850, with which the history of your own Territory is identified. Your organic law was one of these Compromise measures, and it bears the impress of the minds of the great statesmen Clay, Webster and Douglas, whose voices were potent in the national Senate, but are now hushed in death. It recognizes the right of a people of an organized Territory to exercise their legislative powers upon all rightful subjects of legislation, consistent with the Constitution of the United States, and to be admitted as a State into the Union with or without slavery as their Constitution may prescribe at the time of their admission.

The Compromise of 1850 was of vital moment to you, if I may say so, the peculiar people of Utah, for it embraced a principle upon which you seized as a protection to you in your right of conscience, and in the formation and regulation of your own domestic and social polity, so long as it conforms to republican principles of government and to the supreme law of the Federal Constitution.

It is, however, to be observed that as under the name of liberty many unblushing crimes have been committed, so under the doctrine of the sovereignty of the people of a State or Territory, excesses may be attempted which were never contemplated by the framers of the Constitution of the United States, to be guarded against and destructive of the great ends of government; hence, under such circumstances it should be the duty of Congress to act *pro re nata* more with reference to the equity of the case than to the question of the legality or constitutionality of the power to be exercised, a course which will be found indispensable to the maintenance of internal peace, concord and justice, each of which is an element of Union.

The Compromise of 1850 met the approval of the nation, except perhaps the small minority of men of radical opinions, with whom agitation and controversy are ever congenial elements, and to whose political importance they are necessities. It seemed to bring back and settle the administration of the government upon the principle of compromise by which the Constitution itself was formed. It distinctly recognized as the true solution of the question of slavery, and of all other questions of domestic or local policy in the States and Territories—the principle that each

State and Territory should decide for itself, independent of the will or action of Congress, what local or domestic institutions, consistent with the nation's organic law, the people should have.

The Compromise measure of 1850 worked well, but it did not satisfy ultra men North or South. Their fiery and intolerant zeal could not be calmed even by that great and wise measure of peace. Therefore to carry out to what he believed to be the logical and proper result the principle of the Compromise Measure of 1850, and to establish a principle upon which all Territories of the United States should thereafter be organized, and to put an end to the agitation in Congress, or as a question of Federal policy, on the subject of slavery in the national Territories, Senator Douglas, of Illinois, introduced into the organic laws of Kansas and Nebraska, in 1854, a distinct declaration of the intention of Congress not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. This was as clear and comprehensive a declaration of the sovereignty of the people of the Territories of the United States, over their own local affairs, as any well meaning people cordially loyal to the Federal Constitution could desire. To remove every obstacle to the free action of this great principle of democratic government, the 8th section of the act of Congress of March 6th, 1820, known as the Missouri Compromise, which prohibited slavery north of latitude 36° 30', was declared inoperative and void, and as inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the compromise legislation of 1850.

A measure so radical and far-reaching, involving the abrogation of the time-honored Missouri Compromise restriction, was not at once clearly and fully understood by the people, and it therefore so greatly agitated the public mind, and met with such bold and vigorous opposition in the north as to make even the friends of the great principle doubt the propriety of introducing so suddenly a measure so searching in its consequences. I need not say that I was among the opponents of the abrogation of that "restriction," because the parties to the compromise could not be remitted to their former status; but as the true relation of the great principle of popular right as embodied in the Kansas and Nebraska act, to the subject of slavery, was developed, the opposition thereto lost force, and the people virtually endorsed the measure by the election of Mr. Buchanan in 1856.

History has not yet fully pronounced her impartial verdict upon the wisdom of the Kansas-Nebraska act of legislation of 1854, but fair-minded men of all parties are rapidly coming to the conclusion, aside from the unfortunate embitterments it created by the repeal of the Missouri Compromise, that it afforded the best practical disposition by Congress of an exciting and dangerous question, one which threatened the longevity of our institutions. This assertion is confirmed by the fact that the party of the Administration now in power, which was organized and triumphed upon the basis of congressional prohibition of slavery in national territory, by its majority in Congress this very year, organized the territories of Nevada, Colorado and Dakota substantially on the very principle of congressional non-intervention with slavery, which was the distinctive feature of the Kansas-Nebraska act of 1854.

Had the principles of that act been generally approved, and fairly carried out, without interference from the Federal Government, then under the administration of President Buchanan, it can not be doubted that the civil war that now clothes the land in mourning, would have been avoided. But it was not to be. Men of strong anti-slavery opinions in the north, who had looked upon the Kansas act as an instrument by which slavery was to be introduced into Kansas, set to work, even pending the passage of that act, to fill up that territory by free immigrants from the northern States, while on the other hand, political leaders in the south, who had hoped by the Kansas act for the same result which northern men feared, set on foot a movement from Missouri and other slave-holding States, to possess themselves of political power in Kansas, so as to establish slavery there. These opposing tides of immigration, or invasion, as it in part might be justly called, led on by violent, and in many cases lawless men on both sides, soon came in collision on the plains of Kansas, and the Kansas civil war was the result.

It is due to truth to say that, in the conflict of opposing forces, the southern leaders were able to command the aid of Mr. Buchanan's Administration. Its power and patronage were unscrupulously brought to bear to strengthen the slave-holding interest in making Kansas a slave State. This bold and bad attempt in the interest of slavery, and in the face of its organic law, to override the popular will of the people of Kansas, signally and justly failed. The attempt and its failure demoralized the Democratic party, the most powerful political party known to American history, and at the same time combined in formidable union with the great Republican

party of 1860, the anti-slavery opinion of the north. With the defeat of their cherished hope of forcing slavery into the national territories by means of the abrogation of the Missouri Compromise and the Dred Scott decision, the ambitious political leaders of the south saw that the sceptre of their political power had departed, and they became desperate and treasonable.

Unable to defeat the nomination for President, of Mr. Douglas—the champion of popular sovereignty and the acknowledged leader of the northern democracy, by the Charleston convention of 1860—the southern faction with the co-operation of a few northern allies, divided the Democratic party and prepared the way, not only for the success of the opposition at the north, but for the dissolution of the Federal Union.

The conspiracy to destroy the Democratic party and Senator Douglas was successful. The Northern Democracy stood faithfully by its brave and patriotic leader, and most of the Free States stood by the patriotic leader of the Republican party—Abraham Lincoln, and his party triumphed. The event was seized as a pretext for open treason, and was soon followed by the secession of South Carolina, and other slaveholding States, and the opening of civil war in the bombardment of Fort Sumter.

Fresh from the excitement of the great campaign of 1860, the party in power, flushed in with success, and the secession leaders of the South, desperate with disappointment and defeat, were neither in the mood to survey calmly the angry sea of national affairs. The spirit of compromise—the guardian genius of the unity of the nation and its constitution, was for a time discarded or unheeded. Between the secession of South Carolina and the fall of Fort Sumter, a few noble and manly efforts were made in Congress and in the Peace Conference of 1861, to re-enthroned compromise and to stay the swelling tide that was bearing the nation to the yawning abyss of civil war, but they were in vain. The enraged sea rolled not back when Canute gave command, and the Power that rules the sea and the storm, and holds the nations in the hollow of His hand, was too strong for even the efforts of wisdom and patriotism to stay His purposes. For wise purposes which His ory will reveal, Providence has permitted the American people to be tried in the furnace of affliction, which is now heated for them.

There can be no difference of opinion among men, unbiassed by passion or prejudice, as to where rests the responsibility of beginning the civil war. Whatever may be our opinion of the folly and violence of abolitionists in the North—or pro-slavery men in the South—

up to the hour when the national banner came down before the guns of the Confederate States, at Fort Sumter, the Federal Government had been void of offence towards the South in regard to its peculiar institution of slavery. It had fulfilled all its constitutional obligations to them—even if it had not gone beyond them—as in the case of Kansas, in the interest of slaveholders, and in no respect had the South sustained any wrong at the hands of the Northern people, but what could have better been remedied by calm and kind appeals to the intelligence and justice of Northern majorities, under the forms and within the jurisdiction of the Constitution, than by a dissolution of the Federal Union, and an appeal to arms in the ordeal of civil war.

Attacked, as it was, by open and avowed rebellion, the Federal Government—the trustee of the whole nation and the representative of its power and glory before the world—could not but stand upon its defence, and repel force by force. To have admitted by passive acquiescence, in the attempt of withdrawal of the cotton States, the doctrine of secession as a constitutional right of any State—would have been an act of imbecility in the Government, worse than suicide. It would have been a virtual abdication of governmental power, and treason to the American people. The Government could not, without degradation and dishonor, do otherwise than defend itself. This is its true position. The war, so far as the Federal Government is concerned, is a war to defend the national existence and Constitution; not to change the Constitution—not to subvert the Federal system of Government—not to abolish African slavery, nor to interfere with the social and domestic institutions of the people of any of the States or Territories—not to subvert the sovereignty of States and hold them as conquered provinces—not to wantonly devastate and destroy. The Government must discharge its high and holy duty to the American people of maintaining the government given them by their fathers, by compelling rebellion (by the strong power it has madly invoked) to lay down its arms, and yield to reason and the authority of the nation's fundamental law. This be assured, men of Utah, is the high purpose which guides the policy and measures of the Federal Administration, and nerves the hands and hearts of the men who follow the banner of the Union. The Government is fully awake to its mighty responsibility, and it will manfully meet it in the fear of God and in confidence of his aid. Men of Utah, are you ready to assis?

The war, thus developed by even's from the causes which I have stated, has in fact begun. It is no mean contest. The rebellion or revo-

lution, by whatever name men see fit to call it, is one of giant proportions. It is backed by the power of ten millions of people, whom their leaders represent to be of one mind to carry it forward to success. On the other hand, the rebellion is met in the spirit of an earnest and determined patriotism by over twenty millions of free people, intelligent, brave, rich in material resources and power of war, strong in moral power, and resolved as with one will, in the strength of God and their own power, that the Federal Union, the national life—the issue of a struggle in which heroic hearts shed their blood like water—must and shall be preserved. Men of Utah, do you like this resolution? If need be three millions of stalwart men stand ready, upon Northern soil, to assume arms and to conquer or die in defence of a government whose existence, up to the hour when lawless ambition struck at its life, was the glory and the hope of the civilized nations of the earth. Men of Utah! are you ready to join that host?

A treasonable attempt has been made by parricidal hands to destroy a government based in clear acknowledgment of the universal rights and intelligent capacity of man for self government—a government which, while it holds in itself the material and moral power of a puissant nation to build up or to destroy, to attack or defend, has yet even in its operations and influences upon its people, been as gentle and beneficent as the genial rays of the sun or the dews that distil from evening air upon the earth on which they fall.

The great question now before the American people and the world is, shall this great and beneficent government, whose name and flag have been a shield to its people all over the earth, and a hope to the oppressed of all nations, be now destroyed by the hands of its own sons? Shall it go down amid the horrors and desolation of civil war, leaving only the blackness of ashes to mark where it stood; or shall it emerge and rise in renewed strength and beauty from the clouds and darkness that rest upon it? Shall it, or not, as the Holy Word describes the Christian Church, once more come up out of the wilderness, fair as the sun, clear as the moon, and terrible as an army with banners. Men of Utah! what answer will you make? Why need I ask you where you stand on this great question? Here, in this peaceful valley, which you, by wonderful perseverance and industry, have reclaimed from a state of nature, and made its sterile plains blossom as the rose, as few people on earth could, and for which you are entitled to the thanks of the nation—here, far removed from the scenes of conflict, where your brethren and fellow citi-

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zens are ruthlessly abedding each other's blood, you can not but look with deep, earnest interest upon the struggle and its final result. United, as you are, in the bonds of a peculiar faith and social life, which has, in a measure, separated you, as a peculiar people, from your American brethren, you are yet bound to them by the ties of kindred, language and country, and the recognition and worship of the same Divine Father and Lord and Savior Jesus Christ. You are a people of the United States, and I was rejoiced to hear how you stand affected toward the Federal Government—the Union and the Constitution. In the city of Washington, a few weeks ago, it was my pleasure to read the first dispatch of the President of the Mormon Church, the sentiment of which was correct, and also about the same time to read another from the then Acting Governor—the Hon. Frank Fuller, which signified the loyal faith of this people to the great Federal Government. This important message, on the lightning's wings, was but a confirmation of previous utterances of Ex-Governor Brigham Young, expressive of his high appreciation of the Constitution of the United States. He had before said:

"I want to say to every man, the Constitution of the United States, as framed by our fathers, was revealed—was put into their hearts by the Almighty, who sits enthroned in the midst of the heavens; although unknown to them, it was dictated by the revelations of Jesus Christ, and I tell you, in the name of Jesus Christ, it is as good as I could ever ask for. I say unto you, magnify the laws. There is no law in the United States, or in the Constitution, but I am ready to make honorable."

It confirmed also the words another of your eminent men, General D. H. Wells, when, in speaking of the sentiments of the Mormon people towards the United States, he said:

"That country—that Constitution—those institutions were all ours; they are still ours. Our fathers were heroes of the Revolution. Under the master spirits of an Adams, a Jefferson, a Washington, they declared and maintained their independence; and under the guidance of the Spirit of Truth they fulfilled their mission, whereunto they were sent from the presence of the Father."

And again, he said in your behalf:

"Never no, never, will we desert our country's cause; never will we be found arrayed on the side of her enemies, although she herself may cherish them in her bosom; although she may launch forth the thunderbolts of war, which may return and spend their fury upon her own head. Never no, never, will we permit the weakness of human nature to triumph

over our love of country, our devotion to her institutions, handed down to us by our honored sires, and made dear by a thousand tender recollections."

And now that the country is still the same—the Constitution the same—the institutions the same—all ours, and a state of war exists—will you not be found arrayed on the side of that Constitution—that Union—that Government "revealed and put into the hearts of our fathers by the Almighty?"

Believing that such noble sentiments of patriotism animated the breasts of the people of Utah, I undertook the long and tedious journey which has brought me here to your isolated home among the mountains of Deseret, trusting that I should find here the same faith, and hope, and love for the Federal Union, its Constitution, and its laws, as animate the hearts and nerve the arms of my own people of Indiana, nearly forty thousand of whose youth are already scattered from Missouri to the Atlantic coast, under arms for the nation's defence; and that noble State is prepared to triple, on the field of battle, the number of her sons, when the nation's need calls for them.

If wisdom and true patriotism, and the spirit of enlightened Christian humanity, continue to guard the policy of the Federal government in the conduct of the war, as there is no doubt they will do, there can be no question of its final result. Temporary reverses to the Federal arms, afford no criterion of the ultimate victory; that must be with the strongest arm, sustained as it is by the right. Weary of a contest, hopeless as it is disastrous, the people of the South, seeing by the course of the Federal Government that it has no design in the war to do aught but maintain the rightful authority and dignity of the Constitution, and learning that they have been wickedly misled by designing men, will ultimately, and ere long, lay down their arms and be content, nay, glad, to take their old places in the Union, co-equal sharers in all the rights and powers incident to it.

I have deemed it due to the occasion thus to dwell somewhat at length upon national affairs, and have endeavored to deal with them in a patriotic and candid spirit, so that they might be seen as they are, and there be no misunderstanding between us in regard to them.

That the true interest of the people of Utah is with the Federal Union no rational man can doubt; and let no man urge a different course, for such will be a dangerous one.

The boundaries of your Territory place it within territory consecrated by the laws of nature to free labor; its isolated position calls

for the protection of a powerful government, and for its aid in the development of its material resources. Surrounded as it is by organized Territories of the United States, soon to develop to the proportions and power of free States of the Union, Utah has a common interest and common destiny with them. Isolated it is weak, and this let no men controvert; united in the bonds of the Federal Union it shares its powers, its prosperity, its glory and its ultimate destiny. Let this sink deep into the hearts of all true men of Utah.

In reference to my own policy as the executive authority of this Territory, I have only to say that I am here faithfully and honestly and fearlessly to discharge my duty under the laws and Constitution of the United States and the laws of the Territory of Utah consistent with them. In the language of your distinguished citizen Brigham Young, "I say unto you I will magnify the laws; there is no law of the United States, or in the Constitution but I am ready to make honorable," and to this end I shall, as is my right, ask and confidently expect the cordial co-operation of the Legislature and people of Utah, as they will find in me a cordial co-worker in all that concerns their peace and substantial good.

Keeping in view the loyalty of this people, I refer you to the act of Congress, entitled "*An Act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes*:" Approved, Aug. 5, 1861, by which the sum of \$26,982 is levied on this Territory to be collected annually either through officers of your own appointment, or by such as the law itself provides, of a Federal character. Let this law be made honorable; let it be magnified at the earliest possible period by legislative action and thus put yourselves before the world vindicated of the charge of disloyalty, which I regret to say has obtained some credence in portions of the United States.

The establishment of the Overland Daily Mail from the Missouri river to the Pacific Ocean, being one of the great enterprises ever undertaken on this continent, and of vast importance and advantage to this Territory, and the company having manifested astonishing and commendable ability and energy in the transportation of the mail since it has had possession of the route, I deem it entitled to the utmost confidence of the public and of the Government of the United States. And passing as it does for so many hundred miles through the Indian country, the security of the mail and the safety of the passengers and employees of the company, aside from the safety of the great tide of immigration and travel pushing westward, demand the protection of the Government of the United

States; and, to this end, I recommend that you memorialize Congress on the subject, asking appropriations of money to improve the roads and build bridges at places on that line and in your Territory, such as seem indispensable. Also the appointment of agents at convenient distances along the line, to meet and confer with the Indians and supply their wants, as well as the occupation of commanding points, by a small yet efficient military force, passing frequently along the line, keeping good order and peace, and giving safety to mail and travelers against savage and civilized marauders. My recent travel over the line from the Missouri river to this city, satisfies me of the necessity of such action on the part of Congress.

In connection with this, is the location and construction of a railway to connect the roads constructed westward to the Missouri river, with the road built eastward in California. Trade and business between the eastern and western sections of the United States appear to have selected by the stage and telegraph routes, the most convenient route for this great artery of commerce and bond of union strength, which, as it passes nearly the entire length through the Territories of the United States, may, without a question as to the Constitutional power of Congress, be located and constructed by the authority of Congress and with the funds of the United States. The character of the country is such for the greater part of the distance, that it is too much to expect that it can be constructed by private capital; and, as it must become a national road, it is right that it should be made by the nation. On this subject I also recommend you to memorialize Congress.

The extinguishment of the Indian title to such portions of the Territory as may be desirable for agriculture, appears to be equally demanded by the condition of the Indians and the progress of settlement. The survey of the public lands and the establishment of land offices, the appointment of proper officers, and the sale of the lands, will enable the settlers to procure title to the lands occupied and improved by them; which seems to me to be necessary for their security and prosperity.

Free grants of land having been made by the General Government to the first settlers of some other Territories, and the propriety of such a course having, in most instances, been proved. I deem it eminently proper and wise for Congress to grant the same privileges and bounties to the settlers of this Territory; and to effect this, I urge you to make early application to Congress.

The acts of Congress organizing the Territories of Colorado and Nevada, having dis-

arranged the boundaries of some of the judicial districts of the Territory, as also the limits of some of the counties of the Territory, I bring the subject to your notice that it may receive your action with as little delay as possible.

The stability of a Constitution, and hence of a government, depends more on public opinion than it does on its structure; and the principles of a people will prevail regardless of Constitution or laws. Hence, to have a good Constitution respected, and the government revered by the governed, the people must be enlightened and free, and vigilant in their duties. That mind which is enslaved is not a free agent; nor can it enjoy freedom. When the will is a vassal, nothing is more degrading. A mind, not its own, can not be free—it is a slave and in chains, though so well gilded as not to be self-seen. And it is in such a state of society that encroachments on private rights are common, and permanent mischief hourly deplored.

Without education and intelligence, general and diffuse, the best constitution and government, and laws the most wise, can never, in a democratic government, have permanent claims to longevity, nor the people, peace, tranquility or justice.

In a good government, where wisdom and intelligence bear sway, the laws have a moral force far beyond the fears which their penalties awaken; for, in such a condition of things, as the laws support all, so all support the laws; and every infraction thereof is a thrust at the peace and security of every citizen.

With these remarks, I commend to you the subject of education, which, I sincerely hope,

will be fostered by you, and the children of the Territory thereby educated; educated in the habits and principles of freemen. I have more especial reference to common schools, which are to educate the masses, because the situation of your Territory is such that, at present, colleges can not be sustained. Such schools are indispensable to the great happiness and glory of the Territory. Every child in the Territory should be educated, because they are the children of the Territory and the subject of its guardian care.

The condition of the Territorial Penitentiary not having been reported to me, I can convey no information to you concerning that institution.

The financial condition of the Territory has been reported to me by the Auditor and Treasurer of the Territory, respectively; and I herewith submit their reports, as accompanying documents for your consideration.

Having now presented you with the substance of my message, I deem it proper to conjure you, as I would all other American citizens, to remember that, if ever there was an hour which, more than another, called for loud and earnest enunciations of true American principles, inspired by the memory of the past and the greatest hopes of the future, the unity and peace, of the Union of the States, that hour is NOW. Let us, therefore, be all encouraged by the patriot's hope, that peace may again return. Let us be true to God, true to ourselves, and true to our country and mankind, and all will be well.

JOHN W. DAWSON,

Great Salt Lake City, U. T.,

Dec. 10th, 1861.



States as a party; and still more just and consistent would it be were the people allowed one Representative in Congress and to elect all their officers, with the exceptions already named. And then, when the people in a Territory properly express their wish to assume the responsibility and expense of a State government, upon their presentation of a Constitution republican in form, with a petition for admission, the Declaration of Independence, the Constitution, Justice, and the most ordinary regard for the rights of their fellow-citizens all combine to counsel Congress to cordially welcome and at once admit that Territory into the family of States, regardless of the number of its population. That Territorial numbers, so they are capable and desirous of republican self-government, are irrelevant to the question of admission as a State we have the authority of the Hon. W. H. Seward, now Secretary of State, in his speech in the Senate, April 9, 1856, in favor of the admission of Kansas, as follows:—"The Constitution does not prescribe 93,700, or any other number of people, as necessary to constitute a State." "The point concerning numbers is therefore practically unimportant and frivolous." "The Constitution prescribes only two qualifications for new States, namely—a substantial civil community, and a republican government." And here I assert, without fear of truthful contradiction, that we are clearly within the bounds so correctly defined by Mr. Seward as requisite to our admission as a State, for our conduct under a provisional government, until it was superseded by a Territorial organization, and our acts under that organization clearly prove that we are "a substantial civil community," and the Constitution lately adopted by our Convention and ratified by the people is certainly "republican" in form, and by it we wish to abide.

In addition, both to my views upon these points and to the thoroughly considered statements made by Mr. Seward, it may not be uninteresting to briefly allude to the varied proceedings, as to manner of admission, that have increased the number of States from thirteen to thirty-four. Vermont, Kentucky, and Maine, respectively claimed by New York, Virginia, and Massachusetts, were admitted in accordance with Section 3, Article IV, of the Constitution. Texas was annexed. After repeated memorials by the Legislative Assembly of Michigan and much difficulty in re-

gard to a portion of her southern boundary, Congress passed "an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union." Tennessee, Arkansas, Florida, and Iowa called conventions, adopted Constitutions, applied for admission, and were in that manner admitted. In several instances Congress, upon petition or memorial, have passed acts to enable or authorize the people of a Territory "to form a constitution and State government" preparatory to admission; and in some cases have in the enabling acts also provided for admission and representation. California, occupying, like Utah, territory ceded to the United States by the treaty of Guadalupe Hidalgo, February 23, 1848, and having passed a short period under what may be called a military-civil government, met by her Delegates in convention, formed a constitution, ratified it on the 13th of November, 1849, by a very unanimous vote, and at the same time "elected a Governor, Lieutenant-Governor, members of the Legislature, and two members of Congress." On the 15th of December next after the general election the Legislature convened, organized, proceeded to elect the State officers made elective by the Constitution, two Senators to Congress, and to legislate upon such matters and in such manner as in their judgement circumstances required. Thus California, without having undergone a Territorial pupillage, stepped at once upon the platform of State action, and was admitted into the Union on the 9th of September, 1850, and that too as Constitutionally, lawfully, and properly as any other State has been admitted, having "a substantial civil community, and a republican government."

On the 1st of September, 1849, the day the Convention began its session, the largest number claimed by California was some 43,000, a number probably about one half the present population of Utah. I think this places us comparatively on a very respectable footing as to numbers, and do not see that any one can consistently object to the larger number's doing what was sanctioned on the part of so much the lesser number. It may also be proper in order to verify an historical event, to here remark that the sudden increase of population in California in 1849, from the best information I have, was chiefly due to the previous first-known discovery there of gold by members of the Mormon Battalion,

which Battalion also very efficiently aided in wresting from Mexico that fertile and valuable region. Again, the census of 1860 shows the population of Oregon to be 52,464, and she enjoys all the blessings and privileges of State government, on an equality with her sister States.

Most fully are we all aware that no improper, ambitious, or disloyal motives have induced us to prefer following in the State precedential footsteps made by California, but for reasons so justly urged for her admission, and because our position is still more isolated than here, our population is already numerous and rapidly increasing, our Territorial organization is each year growing less adapted to the necessities of the people who are wearied in being so long disfranchised while winning to civilization and freedom a region so forbidding, and, more than all, because it is our inalienable and Constitutional right, have we adopted a like course in seeking our admission and in our subsequent action. And I am confident, so far as I can discern, that this course will most conduce to the advancement of the true social, industrial, and political interests of all concerned.

In this connection, and while our nation, with a large and rapidly increasing public debt, is struggling to preserve the integrity of her boundaries, I deem it proper to suggest that our admission will leave in the public Treasury some \$34,000 annually appropriated for our Territorial expenses, and will add to the revenue the full amount of our annual quota of the Governmental tax. When millions of dollars are being disbursed weekly, these thousands may seem small in contrast; but in the great majority of instances those millions have been collected in much smaller amounts than the thousands of Utah's quota.

In accordance with an act passed by Congress, in July last, nearly \$27,000 of the direct tax was apportioned to Utah. I was gratified that our Legislative Assembly so promptly assumed the payment of our quota of that tax; and without question this General Assembly, should they deem further action on that subject necessary, will, with equal patriotism, adopt such measures as will best sustain our Government in its financial affairs, so far as our apportionment and every Constitutional requirement are concerned. But I

wish it distinctly understood that I object to any action being taken in this or any other matter, except on the ground of right and justice, and in nowise as an evidence of our loyalty, for it has oftentimes been severely tested, and has, on every occasion, emerged from the test with unsullied purity. We are not here as aliens from our Government, but we are tried and firm supporters of the Constitution and every Constitutional right.

If, after electing two Senators to Congress and adopting a memorial for our admission, and such other memorials, if any, as to you may seem proper, you should in your wisdom deem it best to proceed farther in legislative duties, I respectfully recommend that you enact that the laws now in force in the Territory of Utah be in full force and virtue in law in the State of Deseret, until superseded by future legislation. I would also respectfully suggest that in all legislation, the condition, circumstances and wants of the people are to be considered in enacting any given law, whereby you will avoid the blind patterning after laws entirely inapplicable.—In pursuing this course, it will at once occur to you to encourage the importation of useful machinery, rather than manufactured articles; to foster, by appropriate bounties and otherwise, the raising of dye-stuffs, flax, hemp, cotton and wool, and the erection of factories; to encourage the raising of tobacco, so long as the people will use it, and the careful storing up of all surplus grain, for thousands upon thousands will flock here in need of succor; to promote the cause of general education, and, in fine, to always legislate for the good of the people at large and not for individual advantage, keeping inviolate our Constitution and the Constitution and all Constitutional laws of our country.

Gentlemen:—I tender you my future cordial co-operation in the performance of the important duties now devolved upon you, my confidence in your integrity, intelligence, and capability, and invoke for your guidance the blessings of Israel's God, who setteth up nations and breaketh them in pieces, who ruleth and overruleth, and ordereth and doeth all things well, in accordance with His own good pleasure.

BRIGHAM YOUNG.

Great Salt Lake City, April 14, 1862.



STATE OF DESERET.

On the 22d ultimo the Hon. James M. Ashley of Ohio, Chairman of the House Committee on Territories, reported enabling acts one for each Territory (as is required by said Committee) for the admission of Nebraska, Colorado, Utah and Nevada, which on motion of Mr. Ashley, were referred to the Committee on Territories. This action clearly indicates a wise abandonment by the House of the former irrelevant question as regards population, and substitutes the admission of a Territory upon its capability for self-government and its Republican form of Constitution. The Hon. W. H. Hooper and J. M. Berkeley, now in Washington diligently pushing their efforts toward a favorable action upon our petition for admission as

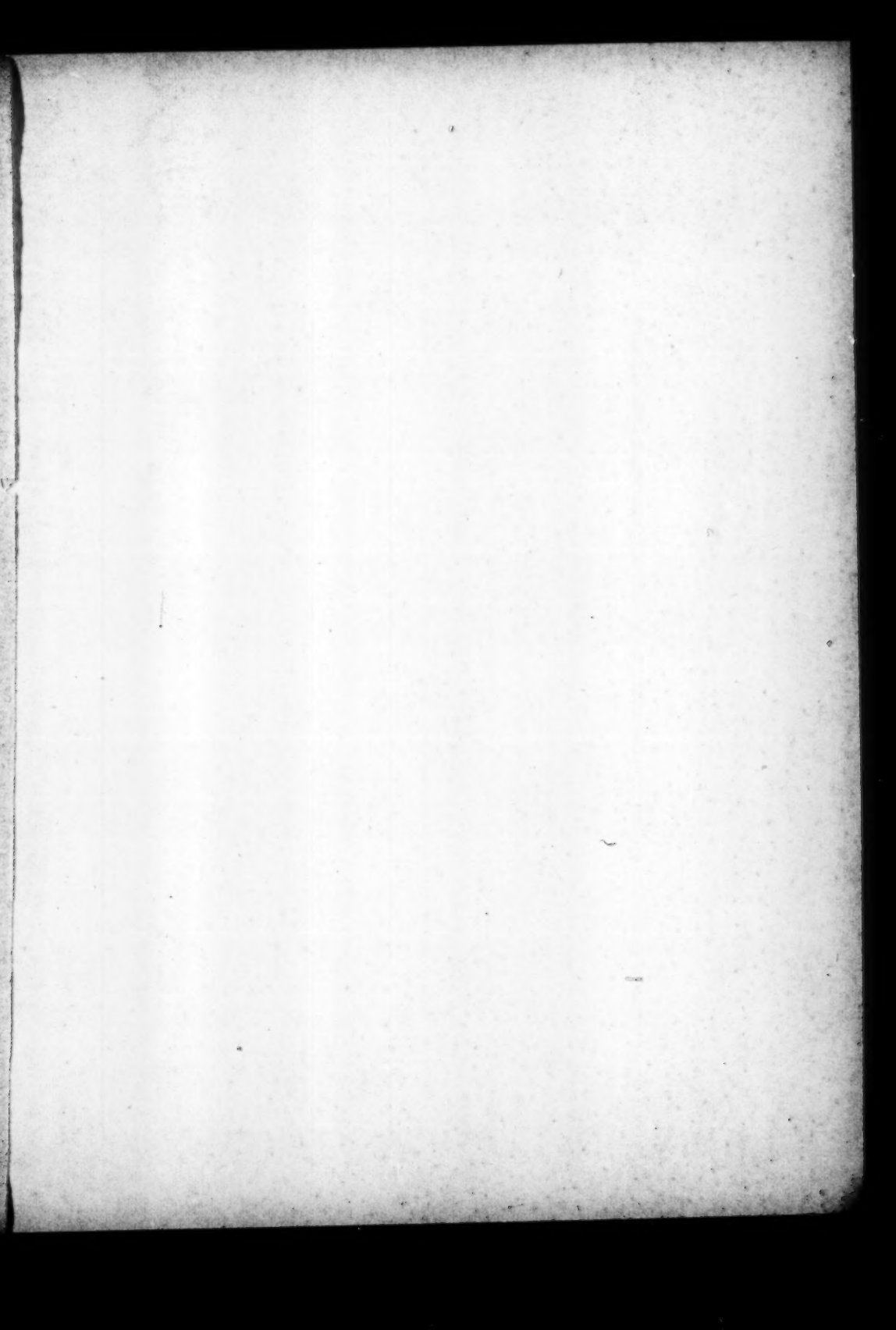
the passage of an enabling Act, as their judgment and the circumstances may most favor.

Beyond cavil it is the inherent and indefeasible right of American citizens to enjoy the untrammelled privilege of self-government,—still we prefer, as hitherto, to conform with long-established usages, trusting that even those usages will soon concede to us the rights of self-government so long withheld. Be this as it may, it now devolves upon you to institute such further Legislation, if any be needed, as may be requisite to enable either yourselves or your constituents to promptly improve upon such action as Congress may take in the premises, with the hope ere long we also will be privileged with those Constitutional franchises pertaining to a State Government so justly our due, and for which we have so long and so patiently waited and so loyally petitioned.

In accordance with a requirement in our Constitution, devolving upon me the duty of communicating to you "the condition of the State," I take pleasure in informing you that notwithstanding the great amount and wide-spread extent of losses in hay, grain, roads, bridges, &c., by the unprecedented floods of the past year, still, through the indomitable industry, energy, and perseverance of the people, with the blessings of Heaven upon their labors, our prosperity is cheering to ourselves and a marvel to the temporary sojourner and passing traveler. In addition to a rapid home increase, our population has been swelled the past season by the addition of several thousands immigrating to our peaceful valleys to lend their aid to promote human progress and extend the area of human rights. Our southern settlements have been strengthened by a large addition of efficient settlers, and bid fair to soon supply us with an abundance of cotton and other products of warm climes. Much valuable machinery for manufacturing purposes, especially for the manufacture of wool, was imported during the past season; and it is estimated by good judges that during the same period imported merchandise fell seven tenths below the previous customary amounts. This is certainly very encouraging, and should incite us to renewed efforts for hastening the time of our commercial independence.

Gentlemen:—Tendering you my cordial co-operation in every measure you may deem necessary for promoting the public welfare, and cheerfully proffering such information as I may from time to time deem conducive to aiding you in the performance of your official duties, I invoke upon your acts and deliberations the blessings of Him who ever guideth aright, and in whose hands is the destiny of all nations.

Yours very truly,
BRIGHAM YOUNG.



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Dec 14-68

GOVERNOR'S MESSAGE

LEGISLATIVE ASSEMBLY

TERRITORY OF UTAH.

TO THE HONORABLE COUNCIL AND HOUSE OF REPRESENTATIVES OF
THE LEGISLATIVE ASSEMBLY OF UTAH TERRITORY:

GENTLEMEN:—As the chosen representatives of the people, you have assembled to deliberate on the manifold interests committed to your care, and devise and consummate such measures as will meet the requirements of the occasion and redound to the general weal. As a co-ordinate branch of the Legislative power, I shall be happy at all times to concur in all proper measures designed for the protection of the rights of the people of this Territory, or for the promotion of their advancement and prosperity, with which the interests of the Government of the United States are so intimately connected.

The past season has been one of general good health and of unusual prosperity to our people. The earth has yielded bountifully to the industrious hand of the husbandman, and the contents of our well filled granaries and store-houses have found a ready market, at highly remunerative rates, both at home and among the teeming populations of the northern and western mines.

Your meeting affords me an opportunity of congratulating you, as American citizens, upon the successful efforts of the General Government towards quelling an unhallowed rebellion, which has for nearly three years devastated so large a portion of our common country, and upon the well founded hope, inspired by the recent past, that peace will soon dawn upon a united and prosperous land.

As Legislators of this Territory and the representatives of a people happily far removed from the scenes of civil strife, it affords me

great pleasure to be able to announce to you the termination of hostilities and depredations by the Indians, and the conclusion of treaties of peace with all the bands occupying the Territory and the southern part of Idaho.

For these blessings, under the guidance of a benign Providence, we are indebted to the loyalty of the people and the valor of our brave troops at the East, and to the efficiency, energy, and courage of the California volunteers in our midst. Committing to our brethren on the other side of the mountains, with our fullest sympathy and heartiest prayers, the honored and heroic task of crushing out the rebellion, we may safely rely on the continuance of peace within our borders, so long as the presence of the soldiers here shall restrain the savage from the commission of those outrages for which he has been so severely punished.

In accordance with universal custom, it is deemed proper to invite your attention to those subjects touching the general welfare which are likely to demand your consideration, and to suggest such as seem to be required by the wants and interests of the people.

A revision of the laws of the Territory would be desirable, and would seem to be required in view of the present inadequate and defective system; but as the expense of recodification would necessarily be great, and the urgency of the matter does not render it indispensably necessary, I cannot recommend that it be undertaken at the present time. The dawn of a new era is already opening upon the Territory, and the shifting scenes around us as well as the novel requirements which new pursuits and varied enterprises, to which this, as all other young communities is incident, will render necessary, at an early day, another compilation, as they will require other and, perhaps, different laws from those now on the statute book.

Forming as it does the Great Basin and the centre of our extensive mineral region, this Territory bids fair to rival her neighbors on the east, west, and north in gold and silver mines, while in her beds of baser metals she will unquestionably surpass either. The evidences of this are abundant and each day accumulate, and I congratulate you on the fact that our extended and varied resources of mineral wealth are about to be developed—indeed are already being developed—and cannot but result in a large increase of our population. These interesting facts devolve upon you, as the guardians of the public peace and welfare, new and responsible duties.

The manifold interests of Agriculture—the enduring basis of permanent prosperity—should, as I have no doubt they will, receive

your special attention and be fostered by every means within your power. In this Territory, fertile as it is in all the products of the farm, and abundant as are our harvests beneath the industrious hand of the husbandman, the soil, in the main, is only susceptible of cultivation when watered by our mountain streams, or by means of artificial water courses. Our people are thus necessarily confined to a very limited area of producing land. Every acre that is capable of being made productive should, therefore, be preserved to the people and made to yield its bounteous products to the willing hand of toil, stimulated, as it unquestionably will be, by the new conditions and the bright prospects of the near future now opening upon the people. These suggestions are made in view of the events daily transpiring around us, and preliminary to calling your attention to the Spanish Fork and Sanpete Indian reservations. This latter reservation, situated in the centre of the fertile valley of that name, and surrounded by an industrious agricultural population, is of small extent, embracing not more than five hundred acres. It has been lying idle for several years past, and there is little probability of its ever again being required for Indian purposes. The land is capable of producing good crops and, in justice to the people, ready and willing to reduce it to profitable cultivation, should be vacated as an Indian reservation, to which it is not adapted and for which it is evidently not required. The Spanish Fork reservation, at the southern end of Lake Utah, contains about fifteen thousand acres of land, of good quality, and all susceptible of irrigation. Some years since, a small portion of this reservation was cultivated as an Indian farm; but the amount of produce realized, was in no manner at all commensurate with the cost to the Government. For the past three years no work has been performed on this reservation, and it has returned to a state of nature; the farm house is in very bad repair; the fences all gone, and the land overgrown with weeds and bushes; indeed, it is to-day simply a tract of naked, wild land, with few of its improvements yet remaining, and these, at best, but monuments of decay and ruin, no less than of the mistaken policy, which seeks to ameliorate the condition of the red man, by placing him in near proximity to a thickly populated white settlement. On the other hand, it has been a fruitful source of irritation and dissatisfaction to the Indians, who are continually led to expect benefits which they never receive; and the fact that, while holding out hopes destined never to be realized, it draws the Indians into the most densely populated settlements, to the great annoyance of our citizens, whom they burthen with a heavy and continual tax, is not the least among the evils justly complained of.

Even should the reservation be again devoted to Indian purposes, only a small portion of it would be cultivated, still leaving the greater part untilled and running to waste. It is estimated that the money necessarily expended annually in maintaining the reservation, would purchase for the Indians, in the market, at least double the quantity of provisions that would be obtained from the farm. After an experience of two years in the Indian service in this Territory, I am satisfied that this reservation is a detriment to the Government, to the Indians, and to the people. The withholding of such an amount of land from intelligent cultivation, in view of the great acquisition of population that we are sure to receive, is as unwise as it is impolitic, when it is considered that our people, so far removed from other sources of supply, are compelled to rely entirely on their own exertions and the limited amount of arable land throughout the Territory. It is, therefore, respectfully recommended that you memorialize the President of the United States to vacate these Indian reservations, and throw the land open to occupation and cultivation by our citizens. Your earnest and early attention to this matter is asked, to the end that it may be brought, if possible, to a successful issue, in time to have these lands put in cultivation the coming season.

The condition of the Utah Indians in this Territory will require your further attention. Roaming as they do through all our settlements south of this city, they are and have been since the settlement of the Territory, a great annoyance to, and a continual, burdensome tax upon the people. The influx of a considerable mining population among them may result in disturbances in our midst, while the assistance that Government is constantly rendering them cannot result, situated as they are, in any permanent good.

The General Government has set apart the country drained by the Uinta river and its tributaries, extending from the Wahsatch range of mountains to the Green or Colorado river, a distance of some eighty miles, east and west with, at least an equal distance, north and south, as a reservation for the permanent settlement of these Indians. After careful examination it has been found to be most admirably adapted to that purpose. Many of these Indians are anxious, with the assistance of the Government, to remove their and settle, and it is believed that all could be readily induced to go. The reservation is more than ample for them all; contains abundance of game and is well supplied with wood, water, and grass. I recommend that you memorialize Congress for an appropriation adequate to the purpose, and with a view to making a treaty with these Indians providing for their early removal to that reservation.

Your attention is called to the great deficiency in the mail facilities of this Territory. The large population that has settled in the rich mining districts of Idaho, and the consequent great trade and travel that have sprung up between those points and this city,—their principal source of supplies—demand an increase of mail facilities. In justice to the several communities interested, there should be a daily mail, carried in coaches, from this city to Eastern Bannack and Virginia cities, with a branch of like service from the northern part of this Territory to Boise or Western Bannack.

The mails from this city, south to Payson, through the large and thriving cities in the Valley of Lake Utah, should be increased to a daily service.

The important and increasing business carried on between this Territory and southern California requires that the mail service to the southern portion of this Territory should be extended through to San Bernardino and Los Angeles.

There should also be a weekly mail from this city west to Tooele City and Grantsville in Tooele Valley.

It is recommended that you memorialize the Postmaster-General for this increased and additional mail service.

The Pacific Railroad, so long the theme of the orator, the scholar, and the poet, the dream of the statesman and the hope of the land, is about to become a reality, and the day is not far distant when its iron bands, bearing on its breast the products of the world will unite in interest, as they are now united in sympathy and affection, the people of the Atlantic and the Pacific slopes. Each blow on this undertaking, the greatest enterprise of this or any other age, but serves to bind with hooks of steel the farthest extremities of a wide spread continent, and cement still closer the bonds of our imperishable Union. But to us it has a nearer and more practical significance; and, as its iron bands approach us each day, nearer and nearer, from the east and the west, it draws us closer to our former homes and opens to our vision the near prospect of wealth and prosperity, when the rich commerce of the far off Orient shall seek our doors through the golden portals of the Occident, to be exchanged for the products of our farms, the fabrics of our industry, and the riches of our mines. This Territory, now so far removed from the east and west by lofty mountains and barren plains, will, when this great work shall have been consummated, be the highway of the commerce of the world and the great resting place and depot of the nation. It is, therefore, with unalloyed pleasure that I can congratulate you on the successful and rapid progress of the construction of the Pacific Railroad, which is making

steady and giant strides towards us. Its completion will, I have no doubt, soon place us with our inexhaustable mineral resources in the markets of the world, and cannot but redound to the rapid advancement of the Territory in all the arts of peace and all the elements of enduring wealth and prosperity. I suggest the propriety of your taking early action with the view of inducing the company building the road to erect establishments for the manufacture of iron for its construction through this region, from the immense beds of native ore which here abounds, and for which purpose coal is abundant and of suitable quality within the Territory. While such a course on the part of the company would result in a saving to it, and tend immensely to the development of the resources of the Territory, it would hasten the completion of the road by rendering practicable the construction of the central part simultaneously with the extremities. The subject is commended to your earnest consideration, trusting that you will be able to devise the proper means to accomplish the result, and properly set forth the undoubtedly rich mineral resources of this Territory.

The mining interests of the Territory, so long dormant, under the inspiration of the wonderful progress of our sister States and Territories in such enterprises, are being rapidly developed and will claim your earnest and serious attention. Already are the eyes of thousands fixed upon our mountains as containing rich stores of yet undiscovered mineral wealth, and with the early spring, it cannot be doubted that many will hasten hither to seek for the precious ore. Unless the signs of the times and the evidences all about us are incorrectly interpreted, gold, silver, and copper mining will soon become one of the most important, if indeed, not the predominant interests of the Territory, and will require legislation at your hands. While every encouragement should be given to the development of our mineral resources, the people should not be left without some legislation for the protection of rights and the prevention of wrongs. By wise and timely action on your part, they should be enabled to prosecute their mining enterprises under such clear provisions of law, that each may fully understand his rights and thus, as far as possible, avoid litigation and tumult. California, the first in rank of mining States in the Union, early adopted a mining code, which experience has proved to be well calculated to promote those interests, and tend to the general well being of society. At an early stage of her history, a general law was passed, making the mining rules of each mining district the governing code, and giving to the regulations of the miners themselves, the force, effect, and validity of statutory enactments. This law, with such general restrain-

ing statutes as were found, from time to time, to be required, is still in force and has been found to accomplish the objects designed, far better than could the Legislature effect them by attempting to interfere too much in detail with so delicate and novel an interest. I commend the action of the California Legislature as worthy of your favorable consideration, having stood the test of time and received the endorsement of a people with the largest experience in mining pursuits. I would also recommend the immediate passage of a general Incorporation act similar to, if not identical with that adopted in California, to enable all who see proper to do so, to form companies for the development of our mining interests and, at the same time, restrict such companies so that the rights of share or stockholders may be secured and the interests of all classes of the people preserved.

By judiciously encouraging and wisely directing the development of our mineral resources, we have reason to believe that this Territory will, at no distant day, become one of the richest and most prosperous States in the Union.

Your attention is called to the fact that, during the severe floods of the Spring of 1862, the bridge across the Provo river, near Provo city, was entirely swept away, and unless a new one is speedily erected, travel between the northern and southern settlements will be greatly impeded, if not altogether cease during the high waters of Spring. It is also represented to me that the main bridge over the Sevier river, still further south, is in a dilapidated condition, and totally unfit to accommodate the large travel between the extreme southern settlements and this city. It is hoped that you will devise some proper means to remedy these evils, which have proved a great drawback on the interests of the people, and require some action for their relief.

The annual reports of the Treasurer and Auditor of Public Accounts are herewith submitted.

The healthy condition of the finances of the Territory, as represented by these reports, is very gratifying.

From the Auditor's report it appears that the assessed valuation of the taxable property of this Territory is five millions, forty-eight thousand and two hundred dollars, (\$4,048,200;)

From the Treasurer's report it appears that there was in the Treasury, at the commencement of the fiscal year, ending Oct. 31st, 1863, five thousand, four hundred and thirty-nine dollars and sixty-eight cents, (\$5,439.68;)

That there was received into the Treasury during the fiscal year, thirty-two thousand, eight hundred and forty-five dollars and twelve cents, (\$32,835.12,)

That there was disbursed during the fiscal year, eleven thousand four hundred and eighty-five dollars and thirty-seven cents, (\$11,485.37.)

Leaving in the Treasury, at the close of the fiscal year, Oct. 31st, 1863, twenty-six thousand, seven hundred and ninety-nine dollars and forty-three cents, (\$26,799.43.)

AMOS REED, Acting-Governor.

Executive Department, U. T.

G. S. L. City, Dec. 14, 1863.

